

REMARKS:

I. Introduction

In the Office Action mailed on August 12, 2005, the Examiner rejected claims 1 to 5, 7 to 16, and 25. The present amendment cancels no claims, amends claims 1, 12, and 16, and adds no new claims. Accordingly, claims 1 to 5, 7 to 16, and 25 to 28 remain pending in this application.

II. Claim Rejections Based on 35 U.S.C. § 103

(a) The Examiner rejected claims 1, 2, 4, 7 to 9, 12, 13, 15, 23, and 24 under 35. U.S.C. 103(a) as unpatentable over Stuart (US 5,284,365) in view of Miller et al. (US D375,889). Because claims 23 and 24 were previously cancelled, it is assumed that the examiner meant claims 25 and 27 rather than claims 23 and 24.

Stuart discloses a greeting card 14 having a removable message insert 16. The manufacturer of the greeting card 14 provides the removable message insert 16 with predetermined card message indicia 32 and predetermined artistic indicia 30. The removable message insert 16 is secured to the greeting card 14 by clamping anchor tabs 36 of the greeting card. See column 6, lines 1 to 24. To remove the message insert 16 from the greeting card 14, the anchor tabs 36 are cut or torn at perforations 41. The removed message insert 16 can then be attached as desired through use of a picture hanger 60, a vertical support member 62, a string hoop 63, adhesive, magnets etc.

Miller discloses a Christmas ornament swivel. Miller is silent as to how the Christmas ornament swivel other than its title which indicates that it is used to hang Christmas ornaments.

In contrast the claimed invention is a device for displaying a personal photograph of a user. The present invention is an alternative to a traditional picture frame for displaying a personal photograph not a pre-made or preprinted ornament. The present invention is not constructed with any predetermined message or artistic indicia as is the greeting card taught by Stuart. The user purchases the device and attaches their own personal photograph to the plaque so that photograph can freely rotate when suspended from the support by the barrel-type swivel connector. Thus, the personal photograph freely moves while it is displayed to provided

an aesthetically pleasing display of the personal photograph that is not available by traditional picture frames. Stuart nor Miller et al. disclose or reasonably suggest displaying a personal photograph.

Independent claims 1 and 12, and claims dependent therefrom, are now allowable because they each include the limitations of "at least one personal photograph of a user" and "wherein the swivel permits unlimited rotational movement of the plaque and the personal photograph adhered thereto about the rotational axis in either direction upon application of external forces thereto so that the personal photograph is displayed moving about the rotational axis". No prior art of record reasonably discloses or suggests the present invention as now defined by independent claims 1, and 12. Reconsideration and withdrawal of the rejection is requested

(b) The Examiner rejected claims 1, 10, 11, 12, 26 and 28 under 35. U.S.C. 103(a) as unpatentable over Stuart (US 5,284,365) in view of Ellison (US 6,230,425).

Ellison discloses a greeting card having preprinted ornament provided thereon. Thus Ellison also does not disclose or reasonably suggest displaying a personal photograph.

Independent claims 1 and 12, and claims dependent therefrom, are allowable because they each include the limitation of "at least one personal photograph of a user" and "wherein the swivel permits unlimited rotational movement of the plaque and the personal photograph adhered thereto about the rotational axis in either direction upon application of external forces thereto so that the personal photograph is displayed moving about the rotational axis". No prior art of record reasonably discloses or suggests the present invention as now defined by independent claims 1 and 12. Reconsideration and withdrawal of the rejection is requested.

(c) The Examiner rejected claim 5 under 35. U.S.C. 103(a) as unpatentable over Stuart (US 5,284,365) in view of Miller et al. (US D375,889) and further in view of Ochoa (US 6,113,994).

Claim 5 is allowable as depending from allowable independent claim 1 as discussed above and independently allowable for novel and nonobvious matter contained therein.

Reconsideration and withdrawal of the rejection is requested.

(d) The Examiner rejected claim 16 under 35. U.S.C. 103(a) as unpatentable over Stuart (US 5,284,365) in view of Miller et al. (US D375,889) and further in view of Ochoa (US 6,113,994).

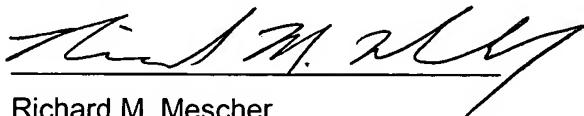
Claim 16 is allowable as depending from allowable independent claim 12 as discussed above and independently allowable for novel and nonobvious matter contained therein. Reconsideration and withdrawal of the rejection is requested.

III. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,



Richard M. Mescher
Reg. No. 38,242

PORTER, WRIGHT, MORRIS & ARTHUR LLP
41 South High Street
Columbus, Ohio 43215
(614) 227-2026
Fax: (614) 227-2100

November 11, 2005

Re. Application Number 10/650,095

Page 9 of 9 pages